

BENJAMIN ROSENTHAL, OSB NO. 830828

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Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DANIEL ORME,

Plaintiff,

vs.

BURLINGTON COAT FACTORY
OF OREGON, LLC et al.,

Defendant.

CASE NO. CV 07-859-MO

DECLARATION OF BENJAMIN
ROSENTHAL IN SUPPORT OF
PLAINTIFF DANIEL ORME'S
PETITION FOR ATTORNEY'S FEES
AND COSTS MEMORANDUM OF
SUPPORT THEREOF

I, Benjamin Rosenthal, represent to the Court, under penalties of perjury, that the following facts offered in support of an award of reasonable and necessary attorney fees are true:

1. Plaintiff is entitled to recover his attorney fees and costs and disbursements as a

Page - 1 DECLARATION OF BENJAMIN ROSENTHAL IN SUPPORT OF PLAINTIFF
DANIEL ORME'S PETITION FOR ATTORNEY FEES AND COSTS

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• prevailing party pursuant to 28 U.S. C. § 1988 and 1920 respectively.

2. The number of hours and services rendered in this matter for the attorney, legal assistant and paralegal are set forth in detail in Exhibit 1, attached hereto. A summary of time expended by each person and their hourly rates are as follows:

| <u>Name</u> | <u>Position</u> | <u>Rate</u> | <u>Hours</u> | <u>Total Fee</u> |
|---------------------|-----------------|-------------|--------------|----------------------|
| Benjamin Rosenthal | Attorney | \$ 375.00 | 316.32 | \$ 118,620.00 |
| Michelle Nunnemkamp | Assistant | \$100.00 | 75.1 | \$ 7,510.00 |
| Shannon Scheewe | Paralegal | \$ 150.00 | 74.20 | \$ 11,130.00 |
| Total | | | | \$ 137,265.00 |

3. Plaintiff's total costs expended in this matter total \$ **7,028.78** and a breakdown of those costs are attached hereto as Exhibit 1. Of this amount Plaintiff seeks recovery of the following costs and disbursements incurred by Plaintiff to successfully bring this action:

| | | |
|----|---|-------------|
| 1. | Complaint Filing Fee | \$ 190.00 |
| 2. | Summons and Service | \$ 31.90 |
| 3. | Subpoenas | \$ 260.00 |
| 4. | Deposition Court Reporter and transcripts | \$ 3,351.51 |
| 5. | Copy Costs including trial binders and Exhibits for Trial | \$ 1,493.07 |
| 6. | Auto Expense for Trial | \$ 39.25 |
| 7. | PACER Trial Prep/Document Retrieval | \$ 44.00 |

| | | |
|-----|-----------------------|-------------|
| 8. | Postage | \$ 110.95 |
| 9. | Witness Fees/Trial | \$ 244.10 |
| 10. | Court Transcript Fees | \$ 1,264.00 |

| | |
|--------------|--------------------|
| TOTAL | \$ 7,028.78 |
|--------------|--------------------|

4. The Court should consider the factors below in determining a reasonable attorney fee award:

- (a) Fees customarily charged in the locality for similar legal services;
- (b) The experience, reputation and ability of the lawyer performing the services;
- (c) Whether the fee is fixed or contingent. (The fee here was necessarily contingent due to the inability of plaintiff to pay);
- (d) The nature of the case and the difficulty of proof and whether any novel issues existed;
- (e) Acceptance of this particular case precluded counsel from accepting other fee generating cases.

5. With respect to 4(d) above, in considering an appropriate attorney fee, the Court respectfully should consider that an extensive number of written exhibits and over 5 depositions were taken in this case. Most of those testifying were reluctant witnesses who were either present or former employees of Defendants. Counsel took a great risk in trying this case which had costs of over \$ 7,000.00 through trial.

6. Since April 2006, my ordinary hourly rate for employment cases increased to

• \$375. The hourly rate of \$ 375 is lower, than, if not within the median of that charged in the community for attorneys doing similar work at my experience level. Other employment attorneys in the community charge up to \$ 450 an hour. For example, Mr. Stephen L. Brischetto who has 29 years of experience, charges an hourly rate of \$ 365 and also asks for a multiplier. Mr. Larry Sokol, a practitioner of 32 years in 2005 charges an hourly rate of between \$ 400 and \$450. Mr. Craig Crispin, an employment attorney with 25 years of experience charges an hourly rate of \$ 365 with a rate increase to \$425 in January, 2010. Mr David Paul charges an hourly rate of \$ 385.00 for employment litigation. My rate of \$ 375.00 per hour is average given the prevailing market rates in the Portland Area for attorneys at my level of expertise and years of practice.

7. I have been practicing law since 1983. My relevant experience is as follows:

- a. I was employed by the United States Attorney from 1980 to 1982 as a Law Clerk to draft memoranda of law and pleadings, and to represent the Federal Government before a Federal Magistrate;
- b. From 1982 through 1983, I worked for the Columbia River Intertribal Fish Commission researching issues surrounding the Native American's Treaty right to fish;
- c. I was admitted to the Oregon State Bar to practice law in 1983.
- d. From 1983 through 1987, I continued to represent the Federal Government as a General Counsel for the Bonneville Power Administration (BPA) and the National Oceanic Atmospheric Administration (NOAA). For BPA I defended the Federal Government from claims arising out of the bond default of the Washington Public Power supply System in state and federal courts. For NOAA, I prosecuted commercial fishermen for violations of federal law in Administrative and Federal Court. I also acted as General Counsel to the agency in matters relating to regulation

• and employment of agency personnel;

e. From 1987 through 1988, I worked for the law offices formerly known as Merten and Yugler.

In this capacity, I handled plaintiff's employment litigation in State and Federal Court;

f. From 1988 through 1989, I worked with J. William Bennett handling labor law issues, and plaintiff's contract disputes with the federal and state government and other private parties;

g. From March, 1989 through November, 1990, I was Of Counsel to Hennagin and Shonkwiler, a lawfirm located in Lake Oswego. I performed a variety of plaintiff's casework including employment, land use and property disputes;

h. Since November, 1990, I have practiced as a solo practitioner emphasizing employment litigation. I practice both in Federal and State Court in the States of Oregon and Washington. I am also certified to practice before the Ninth Circuit Court of Appeals. My current hourly rate of \$ 375 is reasonable, given my past experience and credentials.

8. Michelle Nunnenkamp, my former assistant, charges an hourly rate of \$ 100.00. The rates billed for her services in the attached fee statement are the rates I ordinarily billed for legal assistant work. Charges for secretarial and legal assistant time, postage, and photocopying charges are appropriate to consider in determining a proper attorney fee. *See Willamette Production Credit Assoc. v. Borg Warner*, 75 Or App 154, 159, rev den 300 Or 477 (1986).

9. Shannon Scheewe is a certified Paralegal who is on my staff and who prepares correspondence, pleadings, discovery, conducts client interviews, contacts witnesses and assists with trial preparation as well as attends trial. Ms. Scheewe charges an hourly rate of \$150.00 for her services. She holds a Bachelor of Arts in International Relations along with a Paralegal Certificate from an ABA accredited school (The University of San Diego Paralegal Program).

- Ms. Scheewe has worked as a litigation paralegal for over 8 years.

10. The detailed accounting of time and expense is updated daily. It is an accurate representation of the time and costs expended in litigating this matter. I have reviewed the exhibit and believe that all services performed were reasonably necessary in the prosecution of Mr. Orme's case.

11. I prepared and filed a complaint with the Oregon Bureau of Labor and Industries. I prepared and filed a complaint in state court. I prepared a response to Defendants' Motion for Summary Judgment, and protected the appeal of the Magistrate's denial of Defendant's Motion as well as a response to Defendants Motion to Dismiss. I conducted discovery (which was extensive), participated in six depositions, interviewed present and former employees of defendants. I drafted a request for production and was required to respond to two sets of requests for production and request for interrogatories. I drafted various subpoenas which were served on witnesses who previously worked for Defendants. I researched, and assisted in the preparation of pretrial, trial and supplemental trial memoranda that included *in limine* motions, extensive review of the law as it pertains to retaliation, wrongful discharge and jury instructions. I was required to prepare for trial and I tried the case over the course of three days. I also drafted a Motion for Alteration of Judgment, and am in the process of being required to defend a Motion for Judgment Notwithstanding the Verdict, a Motion for New Trial which I will supplement the record on when those documents are completed.

12. Additional hours have been expended doing legal research, marshaling evidence, finding and interviewing witnesses and preparing this memorandum and it is anticipated that more time will be expended in supporting such fees and costs at hearing of this matter.

13. In awarding Mr. Orme his fees, the court should consider that I attempted to settle this case in January of 2008 for \$60,000.00 to which the Defendants did not respond. The Court should consider that Mr. Orme attempted to avoid the cost of litigation through settlement, but such attempts were rejected by opposing party.

14. Additional effort has been necessary in post trial proceedings to support the jury's verdict in the preparation of the initial judgment and I anticipate that additional time will be expended in a hearing on the forgoing post trial motions and fee and cost petition. Mr. Orme will supplement the record with his attorney's additional time after completion of his post trial services to be rendered from today through the time of the fee hearing.

15. Based on the above, Mr. Orme has documented attorney fees in the amount of no less than \$ **137,265.00** and an award of costs and disbursements in the amount of \$ **7,028.78** and an additional amount in attorney fees for the Fee hearing which will be submitted at the time of such hearing.

16. Attached hereto as Exhibit 2, is a true copy of the 2008 Oregon State Bar Economic Survey.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of October, 2009

/s. Benjamin Rosenthal
BENJAMIN ROSENTHAL OSB# 83082
Attorney for Plaintiff, Daniel Orme

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Daniel Orme
 7216 NE 125th Ave
 Vancouver, WA 98682

October 13, 2009

File #: 03-132

RE: Title VII retaliation, WD

| DATE | DESCRIPTION | HOURS | AMOUNT | LAWYER |
|-----------|--|-------|--------|--------|
| Apr-11-06 | Review documents | 0.10 | 37.50 | BR |
| May-04-06 | review file | 0.20 | 75.00 | BR |
| May-24-06 | t/c from client, status | 0.10 | 10.00 | sec |
| Jun-12-06 | t/c to client cell, left v/m to call me re BOLI , letter to client re BOLI questionnaire, etc mail copy and file | 0.10 | 10.00 | sec |
| Jul-13-06 | confer w/Michelle on case | 0.20 | 75.00 | BR |
| Nov-29-06 | BOLI Preparation of, BOLI interview | 1.50 | 562.50 | BR |
| Jan-05-07 | review file, t/c client | 0.20 | 75.00 | BR |
| Jan-11-07 | review docs | 0.10 | 37.50 | BR |
| Jan-23-07 | confer with client | 0.10 | 37.50 | BR |
| Feb-01-07 | complete request for BOLI file w/prepayment, mail, copy to file, log date sent | 0.40 | 40.00 | sec |
| Feb-12-07 | tc from client re status of his money for BOLI file, and complaint filing, answer quesitons | 0.10 | 10.00 | sec |

EXHIBIT 1
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| | | | | |
|-----------|---|------|--------|-----|
| Feb-13-07 | meet w/client in office, note to file re client status, possible moving | 0.10 | 10.00 | sec |
| Feb-15-07 | log in BOLI file, update file | 0.10 | 10.00 | sec |
| Mar-08-07 | t/c client | 0.20 | 75.00 | BR |
| Apr-07-07 | Correspondence to judge via email scheduling/print reply | 0.20 | 20.00 | sec |
| | Correspondence from judge via email/print and calendared hearing date/print email | 0.30 | 30.00 | sec |
| Apr-13-07 | organized pleading indexes/opened up file #3/misc filing | 0.40 | 40.00 | sec |
| Apr-16-07 | updated task bar with new updates/Preparation of pleading index/ t/c client | 0.30 | 30.00 | sec |
| Apr-19-07 | review file, draft complaint | 1.00 | 375.00 | BR |
| Apr-20-07 | draft complaint | 0.50 | 187.50 | BR |
| Apr-23-07 | draft complaint | 2.50 | 937.50 | BR |
| May-18-07 | review summons | 0.20 | 75.00 | BR |
| May-31-07 | review summons on defendant | 0.20 | 75.00 | BR |
| Jun-11-07 | review removal petition | 0.20 | 75.00 | BR |
| Jun-18-07 | review mtn to dismiss, t/c's Belnavis, draft letter | 1.00 | 375.00 | BR |
| | Correspondence to /transcribed ltr to Belnavis/download and print Def. docs filed electronically with court n 6-15-07 | 0.50 | 50.00 | sec |
| Jun-20-07 | scheduling/calendaring hearing date (motion to dismiss) take message from Belnavis re: claim | 0.20 | 20.00 | sec |
| Jun-25-07 | organized /update file and pleading index | 0.20 | 20.00 | sec |
| | scheduling/calendaring of subpoena deadline, mail confer with BR on p/c t/c back to plc and schedule | 0.30 | 30.00 | sec |

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|-----------|---|------|----------|-----|
| Jun-28-07 | review mtn to dismiss, research, t/c , t/c Belnavis, review file | 1.00 | 375.00 | BR |
| Jun-29-07 | t/c Belnavis, draft extension , draft declaration | 0.60 | 225.00 | BR |
| | scheduling/calendaring of response deadlines confer with BR, draft motion for extension of time to respond/declaration and filed electronically | 0.90 | 90.00 | sec |
| | Telephone call from Belnavis/took message for BR | 0.10 | 10.00 | sec |
| Jul-01-07 | update file and pleading index | 0.10 | 10.00 | sec |
| Jul-03-07 | organized /updated pleading index and task bar | 0.40 | 40.00 | sec |
| Jul-10-07 | research 1981 and , draft response to mtn to dismiss | 3.00 | 1,125.00 | BR |
| Jul-11-07 | revise Rule 12 motion | 2.50 | 937.50 | BR |
| | finalized /edited responses to Def. Motion to dismiss/convert response to pdf/file electronically with court/print for file/open second Orme file | 0.80 | 80.00 | sec |
| Jul-19-07 | review defendant reply in support of motion | 0.40 | 150.00 | BR |
| Jul-20-07 | update pleading index | 0.10 | 10.00 | sec |
| Jul-27-07 | review subpoenas | 0.20 | 75.00 | BR |
| Jul-30-07 | review file, argue Rule 12 mtn | 1.50 | 562.50 | BR |
| Jul-31-07 | Telephone call to client and left detailed message re: call me re: Def. subpoenas/ updated files and pleading indexes | 0.30 | 30.00 | sec |
| Aug-01-07 | Telephone call to client and left a detailed message re: he needs to call me re: Def.Subpoena/update file/pleading index | 0.30 | 30.00 | sec |
| | Telephone call from client re: Def. Subpoena/discussed with client/detailed note to file | 0.20 | 20.00 | sec |

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|-----------|---|------|--------|-----|
| Aug-06-07 | t/c from Paul at Judge Ashmanskas office re consent | 0.20 | 75.00 | BR |
| Aug-07-07 | transcribed /pulled voice mail from Judge/affidavit/and pull voice mail from client t/c to Judge assistant re: consent form | 0.10 | 20.00 | sec |
| | Correspondence to judge/cover letter/ copy for file/prepare for hand delivery delivered to court/t/c ben on scheduling | 0.70 | 70.00 | sec |
| | Telephone call from judge's office/ voice mail from opposing counsel, pull file and complete consent to magistrate judge forms, t/c to Judge's assistant re: consent form | 0.60 | 60.00 | sec |
| Aug-09-07 | filing /updated and pleading index | 0.20 | 20.00 | sec |
| Aug-10-07 | Review documents and edit RFP and review file notes/print for signature | 0.40 | 40.00 | sec |
| Aug-15-07 | confer with client on RFP | 0.20 | 75.00 | BR |
| | Telephone call from client re: status/confer with Ben | 0.20 | 20.00 | sec |
| | Preparation of reformatted and recaptioned Plaintiff's RFP | 0.30 | 30.00 | sec |
| Aug-16-07 | review RFP | 0.30 | 112.50 | BR |
| | Review of printed RFP/gave to Ben with printed witness list for his review | 0.30 | 30.00 | sec |
| Aug-17-07 | copy Facsimile and mail PRFP1 to defendant w/cvr letter, scan and email, print for file | 0.50 | 50.00 | sec |
| Aug-20-07 | review Answer | 0.20 | 75.00 | BR |
| Aug-27-07 | t/c, schedule rule 16 conference | 0.20 | 75.00 | BR |
| Aug-28-07 | Review of faxed ltr from Defense/log new deadline/file | 0.10 | 10.00 | sec |
| Aug-30-07 | Telephone call from client on status | 0.20 | 20.00 | sec |
| Aug-31-07 | Telephone call with Defendant re: Plaintiff's RFP | 0.20 | 20.00 | sec |

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|-----------|--|------|--------|-----|
| Sep-04-07 | Correspondence to opposing counsel via email with Plaintiff's Request for Production of Docs 1 /copy to file/ t/c from d/c sent him an email from my address | 0.50 | 50.00 | sec |
| | copy Defendant RFP and Rogs, log due dates, file, copy and mail to client with cover letter, copy to file, update pleading index with USDC filing from Ben | 0.50 | 50.00 | sec |
| Sep-05-07 | Receipt and review of email from Defendant re: discovery forward to BR for response/file | 0.20 | 20.00 | sec |
| Sep-06-07 | Receipt and review of email from Ben re: discovery / reply to email from Defendant print for file draft email to Ben with updates | 0.20 | 20.00 | sec |
| Sep-10-07 | Review of rfp and rogs | 0.40 | 40.00 | sec |
| | Telephone call from client re: receipt if Defendants FRP and rogs, | 0.10 | 10.00 | SS |
| Sep-11-07 | Preparation of email to defendant re: re: the RFP and Rogs not sent/print for file | 0.20 | 20.00 | sec |
| | Receipt and review of email response from Jennifer Nelson, print save attachments to computer, discovery file, reply email, print for file/ t/c opp counsel | 0.20 | 20.00 | sec |
| Sep-18-07 | Receipt and review of email from Defendants re: scheduling, reply email print for file, change calendar | 0.20 | 20.00 | sec |
| Sep-25-07 | RUle 16 w/opposing, review docs, confer w/Michelle | 0.60 | 225.00 | BR |
| | Telephone call to client re: depo scheduling status, discovery, confer with Ben | 0.30 | 30.00 | sec |
| Sep-27-07 | review new seventh circuit court opinion on retaliation | 0.30 | 112.50 | BR |
| Sep-28-07 | filing update/pleading index | 0.20 | 20.00 | sec |
| | Telephone call from client re: status | 0.20 | 20.00 | sec |
| Sep-29-07 | Meeting with client | 0.10 | 10.00 | sec |

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|-----------|--|------|--------|-----|
| Oct-02-07 | review file for discovery, deps | 0.80 | 300.00 | BR |
| | logged new court deadlines, updated pleading indexes, tel call from defense counsel re: wages | 0.50 | 50.00 | sec |
| Oct-03-07 | Review of file, draft ltr | 0.50 | 50.00 | sec |
| | Correspondence to Jennifer Nelson via facsimile/file | 0.10 | 10.00 | sec |
| Oct-05-07 | Telephone call from client re: question on status, note to file, t/c to p/c and reschedule appt t/c from Belnavis | 0.50 | 50.00 | sec |
| Oct-08-07 | t/c Belnavis on discovery, t/c client | 0.40 | 150.00 | BR |
| | Preparation of / typed response to Defendant's Request for Production and Interrogatories | 1.00 | 100.00 | sec |
| | Correspondence from Jennifer Nelson via email/downloaded and printed | 0.10 | 10.00 | sec |
| Oct-09-07 | Telephone call to client re: Defendant's RFP t/c from p/c t/c back to p/c set appt | 0.90 | 90.00 | sec |
| Oct-11-07 | confer with Ben | 0.10 | 10.00 | sec |
| | Review of response to defendants RFP work on response to RFI confer with Ben | 0.70 | 70.00 | sec |
| Oct-12-07 | Telephone call from client re: status/discovery confer with Ben t/c from p/c, t/c to p/c t/c from client, not able to come in, gave him social security #, ltr to Belnavis for Ben's signature, Facsimile and mail, copy to file | 1.10 | 110.00 | sec |
| Oct-22-07 | finalized editing responses to Defendants RFI, t/c to client/ t/c from client re: discovery | 0.70 | 70.00 | sec |
| Oct-23-07 | Telephone call to client left detailed message to call me re: discovery | 0.20 | 20.00 | sec |
| | Telephone call with p.c left message/ t/c back to p/c receive Facsimile from client with work search info, t/c from client to discuss Facsimile, work comp info, finish typing discovery responses, t/c to client | 0.90 | 90.00 | sec |

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|-----------|--|------|--------|-----|
| | follow up on Ben's question re: discovery, print Plaintiff's DRFP and PRDRFI for signature, Facsimile and mail to Defendants with cover letter, copy to file | 0.50 | 50.00 | sec |
| Oct-24-07 | review interrogatory request and RFP | 0.80 | 300.00 | BR |
| | finalized RDRFI t/c to client Letter v/m to call me pulled responsive docs | 0.70 | 70.00 | sec |
| Oct-25-07 | review discovery docs | 0.50 | 187.50 | BR |
| | Telephone call from client returning my voice mail frm 10-24, discuss work search, work comp claim and his question re: depos, do three memos to file/Ben re: same, pull voice/mail from p/c, pull voicemail frm p/c, copy discovery docs for Defendant, copy to file folder, mail to Def. w/cover letter, copy to file, log event into calendar adn task bar, update file, pleading index | 1.40 | 140.00 | sec |
| Oct-29-07 | Telephone call from client re: status | 0.10 | 10.00 | sec |
| Nov-01-07 | Correspondence from Jennifer Nelson via email re; protective order | 0.20 | 20.00 | sec |
| Nov-06-07 | review protective order | 0.20 | 75.00 | BR |
| | scheduling/calendaring of deadline for Defendant's subpoena duces tecum | 0.10 | 10.00 | sec |
| | photocopy and mail original stipulation protective order back to Belnavis w/cover letter, copy both to file pull pull voice mail from p/c t/c to client re: three new employer subpoenas, answer his question, note to file, t/c back to p/c draft voice mail | 0.60 | 60.00 | sec |
| Nov-07-07 | updated witness list | 0.20 | 20.00 | sec |
| | Telephone call from client re: status, depos, note to file, | 0.20 | 20.00 | sec |
| Nov-09-07 | Telephone call from Nelson, discuss possible dates for | 0.20 | 20.00 | sec |
| Nov-13-07 | filing update filing and pleading index | 0.10 | 10.00 | sec |

| | | | | |
|-----------|---|------|--------|-----|
| Nov-14-07 | confer with Ben on depo dates/ t/c with opp counsel | 0.40 | 40.00 | sec |
| Nov-15-07 | Telephone call with Jennifer Nelson to discuss depo dates and discovery extension/print email from Nelson re: status | 0.40 | 40.00 | sec |
| Nov-19-07 | Review of file notes t/c to Nelson left detailed voice mail re; scheduling of depositions | 0.30 | 30.00 | sec |
| Nov-20-07 | review file for depositions | 0.50 | 187.50 | BR |
| Dec-06-07 | t/c Jennifer Nelson on discovery | 0.20 | 75.00 | BR |
| Dec-07-07 | review scheduling | 0.20 | 75.00 | BR |
| | Receipt and review of email from Defendants to Ben re: depo scheduling, review the scheduling | 0.20 | 20.00 | sec |
| | confer with Ben on depo scheduling, t/c to Nelson and left a voice mail to call re: depositions | 0.20 | 20.00 | sec |
| Dec-10-07 | Receipt and review of notes on depositions t/c Nelson go over witness List and proposed date/ sent email to Nelson re: clarification on witness/t/c to client re: same, review BOLI file and update witness list print for file/t/c from Nelson/ confirm schedule for depositions, discuss status | 0.90 | 90.00 | sec |
| Dec-11-07 | Preparation of letter to client outlining new depo schedule with instructions, mail and copy to file | 0.30 | 30.00 | sec |
| | Review of file/ docs received from subpoena | 0.20 | 20.00 | sec |
| | Correspondence to Nelson detailing new depo schedule, Facsimile and mail copy to file and copy to file to update and calendar w/new deposition schedule t/c to court reporter f | 0.40 | 40.00 | sec |
| Dec-18-07 | Research on OJIN witnesses, t/c p/c filing | 0.30 | 30.00 | sec |
| Dec-19-07 | discovery, draft agreement | 0.50 | 187.50 | BR |
| | Review of Facsimile from medical provider re: claims | 0.20 | 20.00 | sec |

EXHIBIT 1
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| | | | | |
|-----------|--|------|----------|-----|
| Dec-20-07 | Preparation of convert plaintiff's motion for extension to PDF to file, Efile with court, cert of filing, download and print email from USDC/update file/index | 0.70 | 70.00 | sec |
| Dec-28-07 | Correspondence from J. Nelson on Cornette Depo/printed | 0.20 | 20.00 | sec |
| Jan-02-08 | photocopy docs for client depo Preparation of, review file docs, medical records for Defendants RFP, update pleading index, witness dates, receive and print email from Defendants | 1.10 | 110.00 | sec |
| Jan-03-08 | Deposition Preparation of, draft letter | 4.10 | 1,537.50 | BR |
| | Preparation of memo to Ben/ file re: client impeachment OJIN /type up rest of RFI answers, copy docs help Ben locate into files, | 0.90 | 90.00 | sec |
| | Review of files with Ben re: economic losses, t/c to client, t/c from Nelson re: scheduling problem, confer with Ben, draft letter for B to signed Facsimile and mail to Defendant, copy file and t/c to client re: status | 0.80 | 80.00 | sec |
| Jan-04-08 | t/c client status | 0.20 | 75.00 | BR |
| | Telephone call with Documart, prepare docs for Ben, t/c from opposing counsel, t/c from Nelson, take down dates t/c to client left message re: dates, t/c court reporter, t/c from client | 1.00 | 100.00 | sec |
| Jan-07-08 | Telephone call from client re: status | 0.10 | 10.00 | sec |
| Jan-08-08 | Telephone call to client re; scheduling, review file docs to start client income chart for economic losses | 0.50 | 50.00 | sec |
| Jan-14-08 | review subpoena | 0.20 | 75.00 | BR |
| | Telephone call to client left detailed mssage re: Defendants subpoena and employer info he is to be getting, review and log due date for subpoena docs | 0.30 | 30.00 | sec |

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|-----------|--|------|--------|-----|
| | Preparation of authorization to release wage info for client to signed, copy and mail to client, in triplicate w/ detailed cover letter/t/c to opposing counsel, t/c with client re: employment income update chart, memo to Ben | 0.50 | 50.00 | sec |
| Jan-15-08 | review file | 0.20 | 75.00 | BR |
| Jan-16-08 | Receipt and review of email response from Nelson re: depositions/t/c from client re: income info scheduling, update chart | 0.30 | 30.00 | sec |
| Jan-17-08 | Preparation of /edit motion for discovery extension and declaration, for discovery ext/review subpoenas ltr to Jennifer Nelson requesting copy of docs received, Facsimile and mail and file update file | 0.90 | 337.50 | BR |
| Jan-22-08 | Telephone call with client re: left detailed message to call me, copy medical records, mail to Defendant with cover letter, copy to file | 0.30 | 30.00 | sec |
| Jan-23-08 | Telephone call from client pulled voice mail | 0.10 | 10.00 | sec |
| | Telephone call with former employer HR, t/c to Celebrity Foods, t/c with client re: Correspondence from, status, confer with Ben | 0.60 | 60.00 | sec |
| Jan-25-08 | filing / update file Facsimile and mail letter to Belnavis and copy to file | 0.20 | 20.00 | sec |
| Jan-30-08 | Research in medical records, update client bill, filing, copy for Defendant | 0.20 | 20.00 | sec |
| Feb-01-08 | Telephone call from client/voice mail re: status/pull voice mail from DMV t/c back to DMV | 0.20 | 20.00 | sec |
| | Telephone call to client left voice mail confirming depo schedule | 0.20 | 20.00 | sec |
| Feb-04-08 | Correspondence from Defendants via Facsimile with notice of depo | 0.10 | 10.00 | sec |
| Feb-05-08 | confer with Ben, t/c client left v/m re: depo, t/c back from client discuss depositions, status, discovery, his new contact info | 0.60 | 60.00 | sec |

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|-----------|---|------|----------|-----|
| Feb-06-08 | photocopy /print notice from court, update calendar w/change, updaet pleading index, update economic losses chart/print for Ben/pull voice mail from clientt/c with Ben adn than back to client | 0.40 | 40.00 | sec |
| Feb-07-08 | review medical records, RFP | 0.50 | 187.50 | BR |
| Feb-08-08 | Review of discovery file, Defendant subpoena's and docs, received email and printd Defendant' p | 0.60 | 60.00 | sec |
| Feb-11-08 | review other cases | 0.30 | 112.50 | BR |
| | Research Deendant cases on and paper, t/c to cient. set up the filing calendar with client/ mail medical records to Defendant, cover letter with | 0.60 | 60.00 | sec |
| Feb-12-08 | t/c client, review docs for deps | 2.70 | 1,012.50 | BR |
| | Attendance at court to get copy of files t/c to Federal Court and order old federal file, p/c from opp counsel. T/C from Barbara at opposing counsel office | 0.40 | 40.00 | sec |
| Feb-13-08 | Deposition Preparation of, review docs, prepare questions | 5.40 | 2,025.00 | BR |
| | Receipt and review of documents from Defendants office/ copy docs for depo | 0.50 | 50.00 | sec |
| | Telephone call from USDC, file is with in | 0.20 | 20.00 | sec |
| Feb-14-08 | deposition Preparation of, organize docs | 3.80 | 1,425.00 | BR |
| | organized docs for depo t/c to Belnavis left voice mail re: change start time for depos, t/c to court reporter iffuce re: samet/c to office t/c to client re: same | 0.70 | 70.00 | sec |
| | Preparation of room/supplies for depositions tomorrow/t/c from Belnavis office re: status | 0.30 | 30.00 | sec |
| Feb-15-08 | confer w/client, deposition, Deposition prep | 7.50 | 2,812.50 | BR |
| | confer with Ben and copy docs | 0.20 | 20.00 | sec |

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|-----------|--|------|----------|-----|
| Feb-18-08 | Deposition of Bennett, including travel time | 6.80 | 2,550.00 | BR |
| | confer w/client, status | 0.20 | 75.00 | BR |
| Feb-19-08 | deposition of Kidd, and Preparation of, including travel time | 7.50 | 2,812.50 | BR |
| | Preparation of draft Request for Interrogatories t/c to client left voice mail re: todays depo | 0.30 | 30.00 | sec |
| Feb-20-08 | draft first set of interrogatories, review docs | 0.60 | 225.00 | BR |
| | Receipt and review of letter from Belnavis t/c to client and go over letter with him Facsimile and mail to Defendant | 0.50 | 50.00 | sec |
| Feb-21-08 | depositions and Preparation of, Jacobson and Higley | 5.70 | 2,137.50 | BR |
| | review subpoenas, review docs, Cornette depo prep | 0.70 | 262.50 | BR |
| | prepare and take Cornette depo | 2.00 | 750.00 | BR |
| | Review of long v/m from client email Belnavis and Nelson with Plaintiff's RFI, print for file, update file, verify consts on bills, email to client re: his voicemail and print for file | 0.60 | 60.00 | sec |
| | calendar subpoena due dates/open mail and email client | 0.40 | 40.00 | sec |
| Feb-22-08 | Receipt and review of email from client/print, t/c from Belnavis office re: late start, t/c Ben t/c court reporter, review file docs, update economic losses chart and copy for Ben | 0.60 | 60.00 | sec |
| Feb-26-08 | review status and ltr Pretrial Order | 0.40 | 150.00 | BR |
| Feb-28-08 | took voicemail from client from 2/26, email to client re: status | 0.20 | 20.00 | sec |
| | Review and log subpoena sent out by Defendant review and print email response from client | 0.40 | 40.00 | sec |
| Mar-03-08 | Pretrial Order | 3.00 | 1,125.00 | BR |

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|-----------|--|------|--------|-----|
| Mar-04-08 | Preparation of pretrial draft | 1.70 | 637.50 | BR |
| Mar-06-08 | t/c Belnavis on set over, t/c client | 0.30 | 112.50 | BR |
| | confer w/Ben,t/c to Belnavis re discovery extension, after review of file, download and print notice from court, update file/index, draft discovery extension and declaration | 0.70 | 70.00 | sec |
| Mar-07-08 | t/c Belnavis on extension | 0.20 | 75.00 | BR |
| | t/c to Jennifer Nelson re discovery extension, confer w/Ben, edit mtn and declaration, t/c from Paul at Judge 's office re consent to magistrate take message for Ben, log deadline | 0.70 | 70.00 | sec |
| Mar-10-08 | review docs, review motion | 0.40 | 150.00 | BR |
| | Preparation of converting motion and declaration to PDF, file electronically and update file and pleading index, t/c from Def. counsel, set appointment, update calendar, pull voicemail from p.c confer with Ben, t/c back to Def. counsel, download and print USDC filings | 1.10 | 110.00 | sec |
| | , t/c back from Paul re: magistrate consensus/note to file, download email, notifications from USDC change motion declaration accordingly | 1.30 | 130.00 | sec |
| Mar-11-08 | filing /update file and pleading index | 0.20 | 20.00 | sec |
| | Receipt and review of notice of judicial reassignment from court/calendar/log | 0.20 | 30.00 | SS |
| Mar-18-08 | review Copy of tax return documents faxed from our client, confer w/Ben on Copy of tax return , and letter from defendant re income | 0.40 | 40.00 | sec |
| Mar-21-08 | confer with Ben, t/c to court reporter left v/m, cost of plaintiff transcript t/c back from court t/c from client | 0.50 | 50.00 | sec |
| Mar-24-08 | review docs, discovery, t/c client | 0.40 | 150.00 | BR |
| | Preparation of draft responses to Defendant's Request for info, letters, 2/20 and 3/21 review docs, confer with Ben,t/c from client | 1.20 | 120.00 | sec |

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| | Telephone call from client re: his invoice, his employee information, confer wi/ ben on infor to provide to Defendants cop and mail dcs to Defendant with cover letter, copy to file | 0.90 | 90.00 | sec |
| Mar-26-08 | Telephone call to client and left message, t/c back and discuss his bill/payment | 0.20 | 20.00 | sec |
| Mar-28-08 | t/c Nelson, SJ mtn, review answer | 0.40 | 150.00 | BR |
| | Telephone call with / pulled voice mail from Defendant/ t/c to cour treporter lef voice mail re: cost of transcripts/ t/c to client left detailed message t/c to client | 0.30 | 30.00 | sec |
| Mar-31-08 | Telephone call with court reporter with estimates of court transcripts, copy mini transcript for Ben | 0.30 | 30.00 | sec |
| Apr-02-08 | review schedule | 0.40 | 150.00 | BR |
| Apr-03-08 | t/c opposing on extension, review motion | 0.40 | 150.00 | BR |
| Apr-07-08 | Correspondence to Judge via email re: scheduling and printed reply | 0.20 | 20.00 | sec |
| | review email from Judge, print calendar hearing date and print email/ | 0.20 | 20.00 | sec |
| Apr-09-08 | Telephone call with client re: status | 0.10 | 10.00 | sec |
| Apr-13-08 | updated file, pleading index, start file #Service of Summons and Complaint, misc filing | 0.40 | 40.00 | sec |
| Apr-15-08 | Preparation for hearing, heaering on discovery mtns and SJ motion, t/c client | 0.70 | 262.50 | BR |
| Apr-16-08 | Telephone call with opposing counsel | 0.30 | 30.00 | sec |
| Apr-28-08 | t/c client, status | 0.20 | 75.00 | BR |
| Apr-30-08 | review file, discovery, t/c Belnavis on discovery, t/c client status | 2.30 | 862.50 | BR |
| May-01-08 | t/c Belnavis, status | 0.30 | 112.50 | BR |
| May-02-08 | t/c Belnavis | 0.20 | 75.00 | BR |

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|-----------|--|------|--------|-----|
| May-06-08 | Telephone call from Defendant's office re: discovery, take message for Ben, confer with Ben t/c back to Defendants counsel re: clarification | 0.30 | 30.00 | sec |
| May-08-08 | Telephone call from client re: status | 0.10 | 10.00 | sec |
| May-09-08 | Review of letter from Belnavis/confer with Ben/review discovery/t/c Belnavis, Facsimile and mail letter, copy file | 0.50 | 50.00 | sec |
| May-13-08 | Research internet sites for Debbie Jones aka Debbie Higley | 0.30 | 30.00 | sec |
| May-14-08 | Telephone call with Barbara at Belnavis' office re: Discovery | 0.20 | 20.00 | sec |
| May-15-08 | review file | 0.20 | 75.00 | BR |
| May-19-08 | Review of notes, t/c Barbara at Belnavis on outstanding discovery issues | 0.20 | 20.00 | sec |
| | review ltr from opposing counsel re: discovery, copy docs for Ben, meet with client, t/c from client with update on status | 0.40 | 40.00 | sec |
| May-22-08 | t/c Belnavis | 0.20 | 75.00 | BR |
| May-29-08 | Telephone call with client re: status | 0.10 | 10.00 | sec |
| Jun-04-08 | t/c from Belnavis, confer on summary judgment motion | 0.20 | 75.00 | BR |
| | Telephone call with court reporter re: return transcripts t/c from opposing counsel/ t/c from court reporter again | 0.50 | 50.00 | sec |
| Jun-06-08 | finalized / downloaded and printed Defendants SJ Motion and all attachments | 0.40 | 40.00 | sec |
| Jun-10-08 | filing , update files and pleading index, confer with Ben on SJ email to client, t/c from opposing counsel | 0.40 | 40.00 | sec |
| | Preparation of draft motion for extension of time to respond to SJ Motion and Declaration | 0.50 | 50.00 | sec |
| Jun-12-08 | t/c Belnavis on SJ extension, review motion | 0.40 | 150.00 | BR |

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| | filing electronically of Declaration re: Motion for Extension of Time to respond to SJ Motion | 0.30 | 30.00 | sec |
| | Telephone call with court reporter, confer with Ben, t/c to Court Reporter re: transcripts, t/c opposing counse | 0.40 | 40.00 | sec |
| Jun-13-08 | filing /update file/pleading index and misc. filing | 0.30 | 30.00 | sec |
| Jun-20-08 | review transcripts for SJ response | 1.00 | 375.00 | BR |
| Jun-23-08 | review transcripts | 3.50 | 1,312.50 | BR |
| Jun-24-08 | work on SJ response | 0.80 | 300.00 | BR |
| | copy docs for exhibits, response SJ mtn | 0.10 | 10.00 | sec |
| | review email from USDC, print, log deadline | 0.10 | 10.00 | sec |
| Jun-25-08 | work on response, t/c Belnavis on attachments | 7.00 | 2,625.00 | BR |
| | Review of response to Defendants CSF, note depo transcript pages referenced, copy pages | 0.80 | 80.00 | sec |
| | Preparation of/ recaption plaintiff's statement of material facts, edit declaration | 0.80 | 80.00 | sec |
| | filing update of file and pleading index t/c with opposing counsel | 0.50 | 50.00 | sec |
| | Receipt and review of transcripts/copied mini trans for Ben | 0.20 | 20.00 | sec |
| Jun-26-08 | work on SJ response | 7.00 | 2,625.00 | BR |
| | Preparation of Summary Judgment Response, t/c with opposing counsel two times | 6.90 | 690.00 | sec |
| | Preparation of Summary Judgment Response/ t/c opposing counsel three times | 0.70 | 70.00 | sec |
| Jun-27-08 | research on right to object, revise response brief | 8.00 | 3,000.00 | BR |

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| | Preparation of additional trans excerpt, research and prepare all docs for filing, file docs electronically, print confirmation download docs from email, download scheduling order from USDC and email from client | 1.30 | 130.00 | sec |
| Jun-30-08 | photocopy SJ response documents for judge Hubel, hand deliver with cover letter and copy of proof of filing docs, Credit Card Expense: Defendants by email cover letter to attorney update file and pleading index | 0.60 | 60.00 | sec |
| Jul-01-08 | confer w/attorney Johnston on claims, confer Potter | 0.50 | 187.50 | BR |
| | confer with Potter on case | 0.20 | 75.00 | BR |
| | Telephone call from client re: status | 0.20 | 20.00 | sec |
| Jul-08-08 | SJ argument review | 0.50 | 187.50 | BR |
| | Telephone call to client left message re: locating witness/t/c to wife cell #, left v/m also, research on Bondarev prepare request for address WA licensing dept w/prepay mail, copy to file OJIN search | 0.90 | 90.00 | sec |
| Jul-09-08 | t/c witness Bondarev | 0.10 | 37.50 | BR |
| | Research online for witness Bondarev, review BOLI file for info on Bondarev, t/c to client re: Bondarev, note to file, contact DMV re: Bondarev | 0.80 | 80.00 | sec |
| Jul-11-08 | confer w/Michelle on witness Bondarev | 0.20 | 75.00 | BR |
| | Telephone call with witenss Viktoriya Bondarev | 0.20 | 20.00 | sec |
| Jul-14-08 | Review of email from client/print/t/c from client | 0.20 | 20.00 | sec |
| Jul-15-08 | Correspondence to client confirming date and time of SJ Hearing, copy and mail | 0.20 | 20.00 | sec |
| | Telephone call from client , took message, discussed SJ hearing | 0.20 | 20.00 | sec |

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 EXHIBIT
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|-----------|---|------|----------|-----|
| Jul-18-08 | follow up on / logged in receipt of WA State records on witness | 0.10 | 10.00 | sec |
| Jul-21-08 | filing /download Minutes of Proceedings/Oral Argument on Summary Judgment from Court/file same | 0.20 | 20.00 | sec |
| Jul-23-08 | t/c Bondarev | 0.20 | 75.00 | BR |
| | Telephone call from client , took message for Ben, put together materials for SJ hearing | 0.50 | 50.00 | sec |
| Jul-24-08 | review arguments and research cases for SJ argument | 6.60 | 2,475.00 | BR |
| | Telephone call to client to remind him of tomorrow's hearing | 0.10 | 10.00 | sec |
| Jul-25-08 | Preparation of and attend oral argument on summary judgment motion | 2.70 | 1,012.50 | BR |
| Jul-29-08 | filing / updated file and pleading index | 0.10 | 10.00 | sec |
| Jul-31-08 | Telephone call from client re/status/t/c from opposing counsel | 0.60 | 60.00 | sec |
| Sep-02-08 | Telephone call to client | 0.10 | 37.50 | BR |
| Sep-26-08 | Telephone call with client on status | 0.20 | 75.00 | BR |
| Oct-15-08 | Review of and filed Objections | 0.40 | 150.00 | BR |
| Oct-21-08 | Telephone call with client on status | 0.20 | 75.00 | BR |
| Oct-23-08 | Telephone call with client on status | 0.20 | 75.00 | BR |
| Oct-28-08 | Preparation of Plaintiff's Memorandum in Response to Defendants Objections to Findings and Recommendations of Court | 4.50 | 1,687.50 | BR |
| | Review of and revise response and ECF it | 0.80 | 300.00 | BR |
| | Preparation of /formatted Plaintiff's Memo in Response to Defendants objections to findings and recommendations and filed with court electronically/filed | 0.40 | 60.00 | SS |

EXHIBIT 1
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|-----------|--|------|--------|----|
| Nov-03-08 | Telephone call with client on status | 0.20 | 75.00 | BR |
| Nov-24-08 | Telephone call with client re: status | 0.10 | 37.50 | BR |
| Dec-12-08 | Review of Mossman decision on MSJ | 0.20 | 75.00 | BR |
| | filing / receipt of Mosman Opinion and Order/ download and print for file and Ben | 0.20 | 30.00 | SS |
| Dec-19-08 | Telephone call with Belnavis on Status | 0.20 | 75.00 | BR |
| | Telephone call from client discussed case going to mediation and confirmed that client is not going out of town | 0.20 | 30.00 | SS |
| Dec-30-08 | filing | 0.20 | 30.00 | SS |
| Jan-09-09 | Telephone call with client he advised that he is going to Palestine to play basketball/discussed mediation and told him to stay in touch with contact information | 0.30 | 45.00 | SS |
| Jan-16-09 | Telephone call with client on status | 0.10 | 37.50 | BR |
| | Correspondence to BR via email re: status of case and call from Daniel Orme | 0.10 | 15.00 | SS |
| Feb-11-09 | enter deadline into object to new Judge assigned to case, confer with Ben, on OJIN andPacer a case, upde file and task bar | 0.50 | 75.00 | SS |
| Feb-26-09 | Receipt and review of letter from Belnavis with pretrial order to review/reviewed confer with Shannon | 0.30 | 112.50 | BR |
| | Receipt and review of letter from Belnavis re: pretrial order due and their version/confer with Ben | 0.20 | 30.00 | SS |
| Feb-27-09 | Telephone call with Caroline of Jennifer Nelson's office requesting that she send the pretrial order to Ben via email today | 0.30 | 45.00 | SS |
| | Receipt and review of email from Belnavis/Nelson with pretrial order per Ben request that it be sent via email/downloaded and filed | 0.20 | 30.00 | SS |

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| Mar-02-09 | Telephone call with Caroline at Jennifer Nelson's office re: BR will have his pretrial statement to her on 3-4-09 | 0.20 | 30.00 | SS |
| Mar-04-09 | Preparation of Plaintiff's Pretrial Order | 2.80 | 1,050.00 | BR |
| | Preparation of formatted Plaintiff's Pretrial Order | 0.40 | 60.00 | SS |
| Mar-05-09 | Correspondence from Defense asking us to supplement all discovery responses (income since leavng Burlington) call to client re; same | 0.30 | 45.00 | SS |
| Mar-06-09 | Receipt and review of letter from Belnavis re: pretrial order we filed/asking to make some changes/confer with Shannon | 0.20 | 75.00 | BR |
| | Receipt and review of letter from Belnavis re: our version of pretrial order asking us to move Agreed Facts to Plaintiff Contends and other changes | 0.20 | 30.00 | SS |
| Mar-09-09 | Review of pretrial order/review of letters from Defense | 0.20 | 75.00 | BR |
| Mar-10-09 | Receipt and review of letter from court with possible trial dates/confer with Shannon ask her to check with client | 0.20 | 75.00 | BR |
| | Receipt and review of letter from court with possible trial dates/confer with Ben and client | 0.20 | 30.00 | SS |
| Mar-11-09 | Receipt and review of jury instructions | 0.30 | 112.50 | BR |
| | Preparation of draft jury instructions | 0.50 | 75.00 | SS |
| | filing / received Notice of Judicial Reassignment from court/logged info/print for file | 0.20 | 30.00 | SS |
| Mar-12-09 | Telephone call with Belnavis | 0.20 | 75.00 | BR |
| | Telephone call with Belnavis on misc. including trial date | 0.30 | 112.50 | BR |
| Mar-13-09 | Correspondence from Belnavis with Pretrial Order and our Supplemental Discovery Responses/confer with Shannon | 0.30 | 112.50 | BR |

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| | Correspondence to court re: trial date of June 23rd/copy to Belnavis | 0.20 | 75.00 | BR |
| | Correspondence to Belnavis re: email re: Plaintiff can attend trial on June 23rd/copy to Shannon for filing | 0.20 | 75.00 | BR |
| | Telephone call with client on status, email to Belnavis | 0.50 | 187.50 | BR |
| | Preparation of letter to Defendants' counsel re: supplemental discovery requests and trial | 0.50 | 75.00 | SS |
| | Receipt and review of email from Belnavis to Ben re: Pretrial Order and their changes/confer with Ben | 0.30 | 45.00 | SS |
| | Telephone call from client who is out of town, re: possibly settling case/trial, sent email to BR re: same | 0.20 | 30.00 | SS |
| Mar-16-09 | Review of Defendant's Proposed PreTrial Order/revise | 0.30 | 112.50 | BR |
| | Telephone call with client re: docs needed for Supplemental Discovery Requests/email to Ben re: same/file | 0.30 | 45.00 | SS |
| | Correspondence to Belnavis re: Pretrial Order and not able to agree/changes made/copy to BR | 0.20 | 30.00 | SS |
| Mar-17-09 | Correspondence from Jennifer Nelson to court re: trial date and moving it to June 23rd/confer with BR/file and calendar | 0.20 | 30.00 | SS |
| Mar-18-09 | Correspondence from court with trial date of June 16, 19/confer with Ben and client/advised court of our availability | 0.30 | 45.00 | SS |
| Mar-19-09 | Receipt and review of letter from Defendants re: our request that they supplement discovery responses and Defendants will not give records to No. 2/confer with Shannon | 0.20 | 75.00 | BR |
| | Correspondence from court re: trial dates and pretrial conference dates/advised court via email that we are available/calendar and file | 0.20 | 30.00 | SS |

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| | Receipt and review of letter from Defendants re: our request that they supplement discovery responses and Defendants will not give records to No. 2/confer with Ben | 0.20 | 30.00 | SS |
| Mar-25-09 | Receipt and review of Trial Management Order/confer with Shannon re: same | 0.30 | 112.50 | BR |
| | Receipt and review of Trial Management Order/logged dates and details/confer with Ben re: same | 0.30 | 45.00 | SS |
| Mar-26-09 | Review of trial management order | 0.20 | 75.00 | BR |
| Mar-30-09 | Telephone call with client and left voice mail re: need him to respond with information for supplementary responses to discovery requests. | 0.20 | 30.00 | SS |
| Mar-31-09 | Correspondence to Ben via email re: informing him of income from 07 to present and what he will send us(he is in Israel) | 0.20 | 30.00 | SS |
| Apr-14-09 | Receipt and review of 2008 taxes filed by Daniel (sent from IRS) | 0.20 | 30.00 | SS |
| May-06-09 | Trial prep/witness statements/exhibit lists, exhibits, | 5.00 | 1,875.00 | BR |
| | Telephone call with Belnavis re: outstanding discovery issues/received letter re: same/confer with Shannon | 0.30 | 112.50 | BR |
| | Receipt and review of letter from Belnavis re: outstanding discovery issues/confer with Ben on what I need to produce | 0.20 | 30.00 | SS |
| May-07-09 | Preparation of exhibits/witness summaries, t/c Denzel Orme | 6.70 | 2,512.50 | BR |
| | Preparation of Exhibit List/Exhibits | 4.00 | 600.00 | SS |
| | Correspondence to Mosman's assistant re: our exhibits and how to format/number; receipt of email from court with instructions/filed | 0.30 | 45.00 | SS |
| May-08-09 | Telephone call with reginald (witness) revise witness lists/revise exhibit list/calculate damages/witness summaries/t/c client | 4.80 | 1,800.00 | BR |

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|-----------|--|------|----------|----|
| | Preparation of Supplemental Responses to Discovery Requests/Finalized Exhibit Lists/Exhibit Notebook for Judge Moseman/delivered to Judge and Defendants counsel | 6.00 | 900.00 | SS |
| May-11-09 | Telephone call with client/ Preparation of trial memo | 1.20 | 450.00 | BR |
| | filing of documents and preparing new index | 0.90 | 135.00 | SS |
| May-12-09 | Telephone call with Belnavis on status/Preparation of trial memo/ | 3.20 | 1,200.00 | BR |
| | Telephone call with client re: his taxes from 2008 and can he send them to us and are there any additional employers on it/notified BR | 0.40 | 60.00 | SS |
| | Preparation of draft Joint Motion for Extension of Time to Provide Pretrial Materials and Declaration of Ben re: same | 0.70 | 105.00 | SS |
| May-13-09 | Preparation of motion for extension/review of /trial memo prep/review defendants trial memo | 1.80 | 675.00 | BR |
| | Receipt and review of Notice of Order granting extension of time to provide pretrial docs/download from court site, file and log | 0.20 | 30.00 | SS |
| | Receipt and review of Defendant's Exhibit List/download and file | 0.20 | 30.00 | SS |
| May-15-09 | confer with Shannon on witness interview/ revise trial memo/t/c / revise trial memo/damages | 4.40 | 1,650.00 | BR |
| | finalized formatting of Plaintiff's Trial Memo, filed electronically, copied to file | 0.30 | 45.00 | SS |
| | Receipt and review of Defendant's Witness list and Trial Memorandum, download and filed | 0.30 | 45.00 | SS |
| May-18-09 | Preparation of jury instructions/witness list/voir dire/confer with client on witness list | 3.40 | 1,275.00 | BR |
| | Telephone call with client and received his Facsimile of Copy of tax return and called client again | 0.50 | 75.00 | SS |

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| May-20-09 | Telephone call with belnavis re: exhibits/draft extension/email re: voir dire and jury instructions | 2.10 | 787.50 | BR |
| | Preparation of Motion for Extension of Time to Provide Pretrial Materials and Move Pretrial Conference Date/filed electronically with court | 1.00 | 150.00 | SS |
| May-21-09 | Preparation of /revise Shannon's draft extension/t/c Belnavis | 1.00 | 375.00 | BR |
| | Correspondence to Judge Mosman requesting he reconsider his denial of Motion for Extension | 0.30 | 112.50 | BR |
| | confer with Ben re: court denial of Motion for Extension of Time / options/contact court via email | 1.30 | 195.00 | SS |
| May-22-09 | Receipt and review of objections to exhibits and witnesses | 0.30 | 112.50 | BR |
| May-26-09 | Preparation of jury instructions and verdict form | 2.00 | 750.00 | BR |
| May-27-09 | Preparation of jury verdict form/jury instructions/exhibit objections, research collat. source rule | 5.10 | 1,912.50 | BR |
| May-29-09 | Preparation of amended exhibits/amended special damages/motion to amend/motion in limine/ | 5.00 | 1,875.00 | BR |
| | filing electronically of Plaintiff's Special Damages and Amended Exhibit list and Motion for leave of court to file amended Exhibit List | 0.20 | 30.00 | SS |
| | filing 100.00 | 0.20 | 30.00 | SS |
| | filing of Plaintiff's Special Damages, Exhibit List Amended and Motion for Leave to file same via ECF, filed | 0.30 | 45.00 | SS |
| Jun-01-09 | review of defendants responses/draft inlimine response/objection reply to evidence | 7.80 | 2,925.00 | BR |

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|-----------|--|-------|----------|----|
| | Receipt and review of Defendant's Responses to Plaintiff's Objections to Defendants Exhibits, Def. Resp. to Plaintiff's Objections to Def. Witness List, Def. Opp to Plaintiff's Motion for Leave to File and Amended Exhibit List and Supplemental Exhibits, Defendants Proposed Voir Dire, Jury Instructions, Def. response to Motions in limine, Def. mixed and single verdict form/filed electronically/downloaded and printed and gave to Ben to review | 0.50 | 75.00 | SS |
| Jun-02-09 | Receipt and review of jury instructions/research jury instructions/t/c client/prepare for pretrial hearing/re: verdict form/research preponderance/judicial determination or equity claim | 10.00 | 3,750.00 | BR |
| | Preparation of Trial Notebook, Copies of Declaration and exhibits for filing at court/preparation of exhibit notebooks | 4.50 | 675.00 | SS |
| Jun-03-09 | organized file /trial notebook/t/c Corey Cook/witness review | 0.50 | 187.50 | BR |
| | Receipt and review of civil minutes/court record of pretrial conference/download and print/give to Ben | 0.20 | 30.00 | SS |
| Jun-04-09 | Telephone call with witness Regie | 0.20 | 75.00 | BR |
| Jun-05-09 | Receipt and review of trial rulings/organize case | 1.00 | 375.00 | BR |
| Jun-08-09 | Preparation of cross exam of Bennett/ review of evidence for exhibits | 1.00 | 375.00 | BR |
| Jun-09-09 | Review documents / review of Bennett Depo Transcript/t/c with office on status | 9.00 | 3,375.00 | BR |
| Jun-10-09 | Review documents / reviewed Plaintiff's Deposition Transcript | 7.00 | 2,625.00 | BR |
| | Telephone call with client/t/c with Corey Cook of Fed Ex/ t/c with counsel for fed ex/organize docs | 1.80 | 675.00 | BR |
| Jun-11-09 | Preparation of Kidd synopsis/plaintiff and Denzel Orme witness interview in office for trial prep/Kidd re: transcript | 7.40 | 2,775.00 | BR |

| | | | | |
|-----------|--|-------|----------|----|
| | Preparation of letter for Denzel to take to employer/copied documents for Daniel | 0.40 | 60.00 | SS |
| Jun-12-09 | Review documents / review Kidd Depo transcript/draft letter to Belnavis/t/c Belnavis/draft email to court | 6.60 | 2,475.00 | BR |
| | Review of Kidd Transcript/go through exhibits for blowing up on boards (.5) | 2.00 | 750.00 | BR |
| Jun-13-09 | Review of deposition transcripts for trial/mark up exhibit boards for Shannon to highlight | 4.00 | 1,500.00 | BR |
| | Preparation of / retrieved documents from Kinko's and took to Ben in order for him to tag them so I can highlight for court exhibits | 1.50 | 225.00 | SS |
| Jun-14-09 | Preparation of cornette direct and cross/meet with plaintiff to prepare for trial/bennett cross | 9.10 | 3,412.50 | BR |
| | Preparation of subpoenas to all Defendant's of Burlington and checks for witness fees/Preparation of new court binder for Ben | 3.00 | 450.00 | SS |
| Jun-15-09 | Preparation for Trial (Preparation of opening statement/Orme direct/Bennett direct and cross/Jacobson direct and cross/t/c with client | 8.00 | 3,000.00 | BR |
| | Correspondence to court via email re: Defense not making defendants available for trial/review subpoenas to defendants/t/c client/ Preparation of Bennett cross/organize exhibits/trial notebooks | 5.00 | 1,875.00 | BR |
| | Preparation of trial documents/ sent subpoenas through service to defendant's/Preparation of exhibit books for court and Ben to use/Preparation of and highlighted and prepared exhibit boards to use/took exhibit boards to court | 7.00 | 1,050.00 | SS |
| Jun-16-09 | Attendance at court for Trial/prepared for following days trial | 14.00 | 5,250.00 | BR |
| | Preparation of new exhibit books for court to use with Elmo | 3.00 | 450.00 | SS |
| | Attendance at court for trial to assist Ben in court | 8.00 | 1,200.00 | SS |

| | | | | |
|-----------|--|-------|----------|----|
| Jun-17-09 | Attendance at court for day 2 of Trial/ wait for Jury Deliberations following trial close | 13.00 | 4,875.00 | BR |
| | Attendance at court for trial to assist Ben | 8.00 | 1,200.00 | SS |
| Jun-22-09 | organized original trial docs for filing | 0.50 | 187.50 | BR |
| Jun-23-09 | Preparation of files from all court documents/ organized all trial docs/trial exhibits/trial notebooks for further court appearances | 4.00 | 600.00 | SS |
| Jun-25-09 | Telephone call with client | 0.20 | 75.00 | BR |
| | Telephone call with client regarding next court process/when economic portion of case will be/his schedule | 0.30 | 45.00 | SS |
| Jun-29-09 | Telephone call from client re: his upcoming work schedule and when the hearing on economic damages might be | 0.20 | 30.00 | SS |
| Jul-06-09 | Review of emails from court reporter, and notice of unavailability of Defense Counsel | 0.20 | 30.00 | SS |
| | Telephone call from client left voice mail/t/c to court reporter asking how much copy of transcripts are | 0.30 | 45.00 | SS |
| | Preparation of Notice of Unavailability and filed with court electronically | 0.40 | 60.00 | SS |
| Jul-07-09 | Receipt and review of Notice from Court with Transcript of Jury Trial Proceedings/file | 0.10 | 15.00 | SS |
| Jul-08-09 | Telephone call with client re: defense ordered transcript what he can expect/scheduling of economic portion | 0.20 | 30.00 | SS |
| Jul-17-09 | confer with BR re: conclusion of case/sent letter to Mary Jo Peters and Belnavis re: when will the case be concluded and our schedule/copy to file | 0.40 | 60.00 | SS |
| Jul-31-09 | Telephone call with client at home/left a voice mail | 0.10 | 15.00 | SS |
| Aug-10-09 | Correspondence from Nelson rre: status of ssubpoena docs /email and print from Nelson | 0.30 | 45.00 | SS |

EXHIBIT 1
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| | | | | |
|-----------|---|------|----------|-----|
| Aug-18-09 | Preparation of billing records/went back through all billing entries/added in those not entered yet, checked against documents/ began to prepare fee petition | 4.00 | 600.00 | SS |
| Aug-21-09 | | 0.20 | 20.00 | sec |
| Aug-25-09 | Telephone call from client to schedule time to meet with Ben to prepare for trial/confer with Ben | 0.20 | 30.00 | SS |
| Aug-26-09 | Meeting with client on status and trial prep | 4.00 | 1,500.00 | BR |
| | confer with client re: case/billing/transcript here in office | 0.30 | 45.00 | SS |
| | Telephone call from client re: reschedule the meeting for trial preparation to 11:00 today | 0.10 | 15.00 | SS |
| | Preparation of documents/gather exhibit books for Ben to prepare Daniel for trial | 0.30 | 45.00 | SS |
| Aug-28-09 | Review of Defendants Motion in Limine on Economic Cut Off | 0.50 | 187.50 | BR |
| Aug-31-09 | Preparation of Cost Bill, Affidavit of Ben Rosenthal in Support of Fee Petition, sent exhibits to Belnavis | 1.50 | 225.00 | SS |
| Sep-01-09 | Review documents | 0.80 | 300.00 | BR |
| Sep-02-09 | Preparation of trial/attend trial | 4.20 | 1,575.00 | BR |
| Sep-03-09 | Review of emails on tape recordings | 0.20 | 75.00 | BR |
| Sep-09-09 | Telephone call with client on status | 0.20 | 75.00 | BR |
| Sep-18-09 | Review of email/t/c office/review judgment | 0.30 | 112.50 | BR |
| Sep-21-09 | Review of transcript | 0.40 | 150.00 | BR |
| | | 1.40 | 525.00 | BR |
| Sep-23-09 | Review of judgment | 0.22 | 82.50 | BR |
| Sep-24-09 | Research on Punitive Damages/Research on OJIN/t/c Dozler/ | 1.90 | 712.50 | BR |

| | | | | |
|-----------|--|--------|--------------|----|
| Oct-06-09 | Review of email from AG/Complaint/Research | 0.80 | 300.00 | BR |
| Oct-07-09 | Telephone call with Potter.2/t/c on state claim | 0.30 | 112.50 | BR |
| | confer with Bauman on mitigate | 0.20 | 75.00 | BR |
| Oct-09-09 | Review of Defendant's motions on trial to reset 2-5:30 | 3.50 | 1,312.50 | BR |
| | Preparation of draft of Plaintiff's Motion for new trial | 3.70 | 1,387.50 | BR |
| Oct-12-09 | Preparation of / revise fee petition | 1.70 | 637.50 | BR |
| | Totals | 465.62 | \$137,265.00 | |

DISBURSEMENTS

| | Disbursements | Receipts |
|-----------|---|----------|
| Feb-14-07 | Payment from Trust to General Account | 65.11 |
| Jun-12-07 | Payment from Trust to General Account for unpaid costs | 34.89 |
| Jun-12-06 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.63 |
| Jul-11-06 | Photocopy Expense | 0.30 |
| Jul-14-06 | Photocopy Expense | 3.45 |
| | Postage Expense | 1.02 |
| Nov-21-06 | Photocopy Expense | 1.20 |
| | Postage Expense | 0.39 |
| Feb-01-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.39 |
| | Copies of BOLI file ,ck#7474 | 57.97 |
| Feb-14-07 | Photocopy Expense | 0.30 |
| | Postage Expense | 0.39 |
| Apr-23-07 | Photocopy Expense | 1.50 |
| | Filing Fee ,complaint, check no 7535 | 190.00 |
| Apr-27-07 | Photocopy Expense | 0.90 |
| | Postage Expense | 0.63 |
| May-03-07 | Photocopy Expense | 0.75 |
| May-07-07 | Photocopy Expense | 0.90 |
| | Postage Expense | 0.63 |
| May-18-07 | Photocopy Expense | 2.10 |
| | Postage Expense | 5.96 |
| May-21-07 | Process service of summons and complaint, Transerv, ck#7581 | 31.90 |
| May-29-07 | Photocopy Expense | 0.75 |
| | Photocopy Expense | 3.00 |
| | Postage Expense | 0.58 |

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| | | |
|-----------|---|-------|
| Jun-01-07 | Photocopy Expense | 1.35 |
| | Postage Expense | 0.82 |
| Jun-12-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.41 |
| Aug-03-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.41 |
| Aug-07-07 | Photocopy Expense | 0.75 |
| | Postage Expense | 0.41 |
| Aug-17-07 | Photocopy Expense | 1.50 |
| | Postage Expense | 1.14 |
| Aug-31-07 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Sep-04-07 | Photocopy Expense | 18.50 |
| | Postage Expense | 1.31 |
| Oct-11-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.41 |
| Oct-12-07 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Oct-24-07 | Photocopy Expense | 3.60 |
| | Postage Expense | 1.48 |
| Oct-25-07 | Photocopy Expense | 9.75 |
| | Postage Expense | 2.15 |
| Nov-06-07 | Photocopy Expense | 1.20 |
| | Postage Expense | 0.97 |
| Nov-09-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.41 |
| Dec-10-07 | Photocopy Expense | 0.45 |
| | Postage Expense | 0.41 |
| Dec-11-07 | Photocopy Expense | 0.30 |
| | Postage Expense | 0.82 |
| Dec-17-07 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Jan-02-08 | Photocopy Expense | 18.00 |
| Jan-03-08 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Jan-04-08 | Photocopy Expense , Documart, ck#7729 | 22.78 |
| | Photocopy Expense | 0.30 |
| Jan-14-08 | Photocopy Expense | 0.30 |
| | Postage Expense | 0.82 |
| Jan-16-08 | Photocopy Expense | 0.60 |
| | Postage Expense | 0.41 |
| Jan-18-08 | Medical Report , Rebound Orthopedics, ck#7686 | 29.68 |
| Jan-21-08 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Jan-22-08 | Photocopy Expense | 2.85 |
| | Postage Expense | 1.14 |
| Jan-25-08 | Photocopy Expense | 0.15 |

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| | | |
|-----------|---|----------|
| | Postage Expense | 0.41 |
| Jan-30-08 | Medical Report , Rebound PT, ck# 7772 | 57.90 |
| Feb-03-08 | Photocopy Expense | 11.10 |
| Feb-08-08 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| Feb-11-08 | Photocopy Expense | 0.15 |
| | Postage Expense | 1.82 |
| Feb-12-08 | Photocopy Expense | 40.50 |
| | Photocopy Expense | 1.35 |
| | Postage Expense | 0.97 |
| Feb-13-08 | Photocopy Expense | 15.00 |
| | Photocopy Expense | 30.60 |
| Feb-15-08 | Photocopy Expense | 8.10 |
| | Copies of Court files , ck#7736 | 5.00 |
| Feb-20-08 | Photocopy Expense | 1.05 |
| | Postage Expense | 0.82 |
| Feb-21-08 | Court Reporter appearance fee for Bennett, Kidd, MH, unpaid | 810.00 |
| Feb-25-08 | Court Reporter appearance fee, Jacobson, Higley, Cornette, MH, unpaid | 390.00 |
| Mar-14-08 | Photocopy Expense | 0.60 |
| | Postage Expense | 0.41 |
| Mar-18-08 | Copies of Court files , USDC, paid on credit card | 45.00 |
| Mar-24-08 | Photocopy Expense | 1.65 |
| | Postage Expense | 0.58 |
| Mar-31-08 | Photocopy Expense | 7.80 |
| | Transcription of Deposition , plaintiff, IBA&Dunn, unpaid | 277.20 |
| Apr-01-08 | Postage Expense | 0.41 |
| Apr-16-08 | Photocopy Expense | 0.60 |
| | Postage Expense | 0.41 |
| May-09-08 | Photocopy Expense | 0.15 |
| | Postage Expense | 0.41 |
| May-19-08 | Photocopy Expense | 0.60 |
| | Postage Expense | 0.42 |
| Jun-06-08 | Photocopy Expense | 16.38 |
| Jun-16-08 | Photocopy Expense | 15.30 |
| | Transcription of Deposition , Bennett, Kidd, (MH, unpaid) | 1,507.50 |
| Jun-24-08 | Photocopy Expense | 7.35 |
| | Photocopy Expense | 0.75 |
| | Postage Expense | 0.42 |
| Jun-25-08 | Photocopy Expense | 4.80 |
| Jun-27-08 | Photocopy Expense | 6.30 |
| Jun-30-08 | Photocopy Expense | 15.30 |
| Jul-01-08 | Motor Vehicle/address search , Oregon DMV, unpaid | 1.50 |

| | | | |
|-----------|--|------------|----------|
| Jul-08-08 | Photocopy Expense | 0.45 | |
| | Postage Expense | 0.42 | |
| Jul-09-08 | Motor Vehicle/address search , state of WA, Vondarev, ck#7835 | 4.00 | |
| Jul-15-08 | Photocopy Expense | 0.15 | |
| | Postage Expense | 0.42 | |
| May-08-09 | Photocopies of Depo Transcript | 26.25 | |
| | Photocopy Expense for Photocopy of Exhibit Docs to Judge/Defendants | 45.00 | |
| | Postage | 5.50 | |
| Jun-02-09 | Photocopy Expense for Trial Preparation Documents | 75.00 | |
| Jun-10-09 | Photocopy Expense | 37.50 | |
| Jun-11-09 | Photocopy Expense | 3.00 | |
| Jun-13-09 | Exhibit Boards made for trial | 767.00 | |
| Jun-15-09 | Service of Process Fee/ Subpoena of Viktoriya Bondarev (2 times attempted) 140.00 | 140.00 | |
| | Photocopy Expense Docs for trial | 45.00 | |
| Jun-16-09 | Exhibit Copies per court taken to Kinkos and bound/exhibit tabs | 43.96 | |
| | Service of Process Fee/ Subpoena of Cecil Cornette | 30.00 | |
| | Service of Process Fee/ Subpoena of James Kidd | 30.00 | |
| | Service of Process Fee/ Subpoena of Dana Bennett | 30.00 | |
| | Service of Process Fee/ Subpoena of Koang Chuol | 30.00 | |
| | Pacer expense for looking up documents and getting copies for trial prep | 44.00 | |
| | Auto Expense /Parking for Trial | 14.00 | |
| Jun-17-09 | Auto Expense /Parking for Trial | 14.00 | |
| | Auto Expense /Parking for Trial | 11.25 | |
| Jun-18-09 | Witness fee s for all Defendants | 244.00 | |
| Jun-23-09 | Photocopy Expense /copied trial docs/pleadings etc. for files for future | 32.00 | |
| Jul-29-09 | Photocopies | 0.60 | |
| | Postage | 0.88 | |
| Aug-31-09 | Transcription of Deposition | 366.51 | |
| Sep-03-09 | Auto Expense / Parking for Trial/ Shannon and Ben | 23.00 | |
| | Photocopies | 11.40 | |
| Sep-10-09 | Transcription of Trial | 606.50 | |
| Oct-13-09 | Copies of Court files | 657.00 | |
| | Totals | \$7,062.38 | \$100.00 |

Total Fees & Disbursements

\$144,227.38

Previous Balance

\$0.00

Previous Payments

\$0.00

Balance Due Now

\$144,227.38

TRUST STATEMENT

| | | Disbursements | Receipts |
|-----------|---|----------------------|-----------------|
| Feb-13-07 | Received From: Daniel Orme | | 100.00 |
| | Deposit to Client Trust Account , cash | | |
| Feb-14-07 | Paid To: Benjamin Rosenthal | 65.11 | |
| | Payment from Trust to General Account | | |
| Jun-12-07 | Paid To: Benjamin Rosenthal | 34.89 | |
| | Payment from Trust to General Account for unpaid costs | | |
| | Total Trust | <hr/> \$100.00 | <hr/> \$100.00 |
| | Trust Balance | | \$0.00 |

Civil Rights Section Hourly Rate Survey Results

In March 2008, the Oregon State Bar conducted a survey on behalf of the Civil Rights Section on hourly rates for Oregon lawyers. The survey aimed to provide detailed information on hourly rates charged by attorneys in specific areas of practice. *To see more detailed results from the survey, please see the attached printouts. All results in this report pertain to members of the Civil Rights Section and might not represent all Oregon lawyers.*

Methodology and Response Rate

All members of the Civil Rights Section with an email address on file with the bar were invited (via email) to participate. Of the 271 possible respondents, we received 55 responses, for a 20.3% response rate. Respondents were asked four questions: geographic area, firm size, years of experience, and hourly rates for specific practice areas.

Demographics

Survey respondents came from five regions: Downtown Portland, the Tri-County Area, the Upper Willamette Valley, the Lower Willamette Valley and Southern Oregon.

The majority, 57%, work in law firms with five or fewer attorneys.

The average number of years spent in a practice area is 14-16, with the largest groups represented having practiced 14-16 and 11-13 years (17% and 15% of the total respectively).

Discussion of Survey Responses

Percent of time devoted to an Area of Practice (AoP)

Respondents were asked to specify how much of their work is devoted to a specific AoP. The majority indicated they practice in multiple fields, with only 12% (1 in 8) devoting their entire practice to a specific area and 39% spending 60% or more of their time on a single area of practice.

Experience in a specific AoP

When examining the amount of time spent in a specific AoP, the results seem to skew towards attorneys who have been in practice for less than 20 years. The range of data goes from 0 years of experience up to 41+ years of experience, but a full 74% of respondents indicated 20 years of experience or less and 19% have been in practice for less than 10 years.

June 2008

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Representation of AoPs

Six different AoPs were listed. Respondents were asked which areas they practice in, and could choose more than one option. The most-represented groups were: Title VII Employment (35% of responses) and General Employment Law (28% of responses). The least-represented groups were: Prisoner Litigation (1% of responses) and 1st Amendment Cases (8% of responses).

Hourly Rates Aggregate

Because individual respondents sometimes provided rates for more than one AoP, the total number of responses for Civil Rights hourly rates was 95.

Litigation

Respondents in this section reported hourly rates in intervals of \$25. Intervals began at \$50 an hour and progressed up to \$450+ per hour.

No respondents claimed an hourly rate of less than \$100 per hour, and only 5% claimed less than \$150 per hour. A total of 22% of respondents reported rates between \$100 and \$199 per hour. Almost half (45%) reported rates between \$200 and \$299. Approximately one in four (27%) reported rates between \$300 and \$399. And 5% claimed hourly rates of more than \$400.

The average and median rate for Civil Rights lawyers is approximately \$250 per hour.

Plaintiff/Defense

In addition to the hourly rate questions, respondents were asked if they usually worked for the plaintiff or for the defense. Most (70%) represent the plaintiff, while the rest (30%) work for the defense.

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| What region (county) is your office in? | | |
|---|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| Downtown Portland | 65.5% | 36 |
| Tri-County area (Washington, Multnomah, Clackamas) | 10.9% | 6 |
| Oregon Coast (Columbia, Clatsop, Tillamook, Lincoln, Coos, Curry) | 0.0% | 0 |
| Upper Willamette Valley (Yamhill, Polk, Marion) | 9.1% | 5 |
| Lower Willamette Valley (Benton, Linn, Lane) | 10.9% | 6 |
| Southern Oregon (Douglas, Josephine, Jackson, Klamath) | 0.0% | 0 |
| Central Oregon (Deschutes, Crook, Jefferson) | 3.6% | 2 |
| Eastern Oregon (all other Oregon counties) | 0.0% | 0 |
| <i>answered question</i> | | 55 |
| <i>skipped question</i> | | 0 |

| What size is your firm? | | |
|--------------------------|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| Sole practitioner | 27.8% | 15 |
| 2-5 Attorneys | 29.6% | 16 |
| 6-10 Attorneys | 7.4% | 4 |
| 11-15 Attorneys | 5.6% | 3 |
| 16-20 Attorneys | 7.4% | 4 |
| 21-25 Attorneys | 1.9% | 1 |
| 26-30 Attorneys | 3.7% | 2 |
| 31-35 Attorneys | 0.0% | 0 |
| 36-40 Attorneys | 1.9% | 1 |
| 41-45 Attorneys | 0.0% | 0 |
| 46-50 Attorneys | 0.0% | 0 |
| 51-75 Attorneys | 0.0% | 0 |
| 76-100 Attorneys | 0.0% | 0 |
| 101+ Attorneys | 14.8% | 8 |
| <i>answered question</i> | | 54 |
| <i>skipped question</i> | | 1 |

| How long have you been practicing law? | | |
|--|------------------|----------------|
| Answer Options | Response Percent | Response Count |
| 0-2 Years | 5.6% | 3 |
| 3-5 Years | 7.4% | 4 |
| 5-7 Years | 5.6% | 3 |
| 8-10 Years | 0.0% | 0 |
| 11-13 Years | 14.8% | 8 |
| 14-16 Years | 16.7% | 9 |
| 17-19 Years | 1.9% | 1 |
| 20-22 Years | 3.7% | 2 |
| 23-25 Years | 20.4% | 11 |
| 26-28 Years | 3.7% | 2 |
| 29-31 Years | 11.1% | 6 |
| 32-34 Years | 1.9% | 1 |
| 35-37 Years | 1.9% | 1 |
| 38-40 Years | 0.0% | 0 |
| 41-44 Years | 0.0% | 0 |
| 45+ Years | 5.6% | 3 |
| <i>answered question</i> | | 54 |
| <i>skipped question</i> | | 1 |

• PART 2
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| Percent of population described to this type of case | | | | | |
|--|-------|-------|-------|------|------|
| Answer Options | 20% | 40% | 60% | 80% | 100% |
| Municipal tort claim litigation | 13 | 2 | | | 1 |
| Police misconduct litigation | 8 | 2 | 1 | | 11 |
| 1st Amendment | 8 | | | | 8 |
| Prisoner litigation | | | 1 | | 1 |
| Title VII Employment | 7 | 11 | 9 | 6 | 2 |
| General Employment | 4 | 5 | 5 | 5 | 9 |
| TOTALS: | 40 | 20 | 16 | 11 | 12 |
| % of Total: | 30.8% | 15.4% | 12.3% | 8.5% | 9.0% |

| Percent of population described to this type of case | | | | | |
|--|-------|-------|-------|------|-------|
| Answer Options | 20% | 40% | 60% | 80% | 100% |
| Municipal tort claim litigation | 3 | 4 | 3 | 2 | 3 |
| Police misconduct litigation | 4 | 3 | 1 | 2 | 1 |
| 1st Amendment | 4 | 2 | 2 | 1 | 1 |
| Prisoner litigation | 2 | | | | |
| Title VII Employment | 4 | 8 | 9 | 3 | 7 |
| General Employment | 2 | 8 | 7 | 2 | 5 |
| TOTALS: | 19 | 25 | 22 | 10 | 17 |
| % of Total: | 14.6% | 19.2% | 16.5% | 7.7% | 12.7% |

| Percent of population described to this type of case | | | | | |
|--|-------|-------|-------|------|------|
| Answer Options | 20% | 40% | 60% | 80% | 100% |
| Municipal tort claim litigation | 13 | 2 | | | 1 |
| Police misconduct litigation | 8 | 2 | 1 | | 11 |
| 1st Amendment | 8 | | | | 8 |
| Prisoner litigation | | | 1 | | 1 |
| Title VII Employment | 7 | 11 | 9 | 6 | 2 |
| General Employment | 4 | 5 | 5 | 5 | 9 |
| TOTALS: | 40 | 20 | 16 | 11 | 12 |
| % of Total: | 30.8% | 15.4% | 12.3% | 8.5% | 9.0% |

| Percent of population described to this type of case | | | | | |
|--|-------|-------|-------|------|------|
| Answer Options | 20% | 40% | 60% | 80% | 100% |
| Municipal tort claim litigation | 13 | 2 | | | 1 |
| Police misconduct litigation | 8 | 2 | 1 | | 11 |
| 1st Amendment | 8 | | | | 8 |
| Prisoner litigation | | | 1 | | 1 |
| Title VII Employment | 7 | 11 | 9 | 6 | 2 |
| General Employment | 4 | 5 | 5 | 5 | 9 |
| TOTALS: | 40 | 20 | 16 | 11 | 12 |
| % of Total: | 30.8% | 15.4% | 12.3% | 8.5% | 9.0% |

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| What region (county) is your office in? | | | Response Count |
|--|------|--|----------------|
| Answer Options | | | |
| Downtown Portland | 2.1% | | 1 |
| Tri-County area (Washington, Multnomah, Clackamas) | 7.1% | | 4 |
| Oregon Coast (Columbia, Clatsop, Tillamook, Lincoln) | 0.8% | | 0 |
| Upper Willamette Valley (Vernon, Polk, Marion) | 5.0% | | 3 |
| Lower Willamette Valley (Benton, Linn, Lane) | 0.0% | | 0 |
| Southern Oregon (Douglas, Josephine, Jackson, Klamath) | 0.0% | | 0 |
| Central Oregon (Deschutes, Crook, Jefferson) | 0.0% | | 0 |
| Eastern Oregon (all other Oregon counties) | 0.0% | | 0 |
| answered question | | | 50 |

| What size is your firm? | | | Response Count |
|-------------------------|------|--|----------------|
| Answer Options | | | |
| Sole practitioner | 0.0% | | 0 |
| 2-5 Attorneys | 4.0% | | 2 |
| 6-10 Attorneys | 2.0% | | 1 |
| 11-15 Attorneys | 4.0% | | 2 |
| 16-20 Attorneys | 0.0% | | 0 |
| 21-25 Attorneys | 0.0% | | 0 |
| 26-30 Attorneys | 0.0% | | 0 |
| 31-35 Attorneys | 0.0% | | 0 |
| 36-40 Attorneys | 0.0% | | 0 |
| 41-45 Attorneys | 0.0% | | 0 |
| 46-50 Attorneys | 0.0% | | 0 |
| 51-75 Attorneys | 0.0% | | 0 |
| 76-100 Attorneys | 0.0% | | 0 |
| 101+ Attorneys | 0.0% | | 0 |
| answered question | | | 50 |

| How long have you been practicing law? | | | | Response Count |
|--|------|--|--|----------------|
| Answer Options | | | | |
| 0-2 Years | 0.0% | | | 0 |
| 3-5 Years | 0.0% | | | 0 |
| 6-10 Years | 0.0% | | | 0 |
| 11-13 Years | 0.0% | | | 0 |
| 14-16 Years | 0.0% | | | 0 |
| 17-19 Years | 0.0% | | | 0 |
| 20-22 Years | 0.0% | | | 0 |
| 23-25 Years | 0.0% | | | 0 |
| 26-28 Years | 0.0% | | | 0 |
| 29-31 Years | 0.0% | | | 0 |
| 32-34 Years | 0.0% | | | 0 |
| 35-37 Years | 0.0% | | | 0 |
| 38-40 Years | 0.0% | | | 0 |
| 41-44 Years | 0.0% | | | 0 |
| 45+ Years | 0.0% | | | 0 |
| answered question | | | | 50 |

| What type of work do you do? | | | | Response Count |
|---------------------------------|------|--|--|----------------|
| Answer Options | | | | |
| Municipal tort claim litigation | 0.0% | | | 0 |
| Police misconduct litigation | 0.0% | | | 0 |
| 1st Amendment | 0.0% | | | 0 |
| Prisoner litigation | 0.0% | | | 0 |
| Title VII Employment | 0.0% | | | 0 |
| TOTALS: | | | | 0 |

| What type of work do you do? | | | | Response Count |
|---------------------------------|------|--|--|----------------|
| Answer Options | | | | |
| Municipal tort claim litigation | 0.0% | | | 0 |
| Police misconduct litigation | 0.0% | | | 0 |
| 1st Amendment | 0.0% | | | 0 |
| Prisoner litigation | 0.0% | | | 0 |
| Title VII Employment | 0.0% | | | 0 |
| TOTALS: | | | | 0 |

2
6

| What region (county) is your office in? | Response Percent | Response Count |
|--|------------------|----------------|
| Answer Options | | |
| Downtown Portland | | |
| Tri-County area (Washington, Multnomah, Clackamas) | | |
| Oregon Coast (Columbia, Clatsop, Tillamook, Lincoln, | | |
| Upper Willamette Valley (Yamhill, Polk, Marion) | | |
| Lower Willamette Valley (Benton, Linn, Lane) | | |
| Southern Oregon (Douglas, Josephine, Jackson, Klamath) | | |
| Central Oregon (Deschutes, Crook, Jefferson) | | |
| Eastern Oregon (all other Oregon counties) | | |
| TOTALS: | | 50 |

| How long have you been practicing law? | Response Percent | Response Count |
|--|------------------|----------------|
| Answer Options | | |
| 0-2 Years | | |
| 3-5 Years | | |
| 6-10 Years | | |
| 11-13 Years | | |
| 14-16 Years | | |
| 17-19 Years | | |
| 20-22 Years | | |
| 23-25 Years | | |
| 26-28 Years | | |
| 29-31 Years | | |
| 32-34 Years | | |
| 35-37 Years | | |
| 38-40 Years | | |
| 41-44 Years | | |
| 45+ Years | | |
| TOTALS: | | 50 |

| What size is your firm? | Response Percent | Response Count |
|-------------------------|------------------|----------------|
| Answer Options | | |
| Sole practitioner | | |
| 2-3 Attorneys | | |
| 4-10 Attorneys | | |
| 11-15 Attorneys | | |
| 16-20 Attorneys | | |
| 21-25 Attorneys | | |
| 26-30 Attorneys | | |
| 31-35 Attorneys | | |
| 36-40 Attorneys | | |
| 41-45 Attorneys | | |
| 46-50 Attorneys | | |
| 51-75 Attorneys | | |
| 76-100 Attorneys | | |
| 101+ Attorneys | | |
| TOTALS: | | 50 |

| What type of litigation do you handle? | Response Percent | Response Count |
|--|------------------|----------------|
| Answer Options | | |
| Municipal tort claim litigation | | |
| Police misconduct litigation | | |
| 1st Amendment | | |
| Prisoner litigation | | |
| Title VII Employment | | |
| TOTALS: | | |

| What type of litigation do you handle? | Response Percent | Response Count |
|--|------------------|----------------|
| Answer Options | | |
| Municipal tort claim litigation | | |
| Police misconduct litigation | | |
| 1st Amendment | | |
| Prisoner litigation | | |
| Title VII Employment | | |
| TOTALS: | | |

| What type of litigation do you handle? | Response Percent | Response Count |
|--|------------------|----------------|
| Answer Options | | |
| Municipal tort claim litigation | | |
| Police misconduct litigation | | |
| 1st Amendment | | |
| Prisoner litigation | | |
| Title VII Employment | | |
| TOTALS: | | |

ANNEX 8
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